

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ONEBEACON AMERICA INSURANCE
COMPANY,
Plaintiff,

CIVIL ACTION
NO: 04-11753-JLT

vs.

BLUE WATER ENTERPRISES, INC.
Defendant.

STATUS REPORT AND SUBMISSION OF UMPIRE'S FINDINGS

Now come the parties, in the above-entitled action, by and through its undersigned attorneys, and submit the Umpire's findings and also report concerning the status of this matter.

1. On or about November 10, 2004, the parties' surveyors agreed to the appointment of James T. Simonitsch to serve as Umpire.
2. On November 23, 2004, Mr. Simonitsch surveyed the defendant's vessel to determine the nature and extent of the damages it sustained as a result of the collision that occurred on August 24, 2002 in Cape Cod Bay.
3. Mr. Simonitsch has issued his written findings, which are attached hereto as Exhibit "A." As indicated therein, his report contains numerous recommendations.
4. The parties are in the process of evaluating the Umpire's findings. After their evaluations are complete, they intend to discuss the future handling of this matter.
5. The parties will keep the Court advised of any new developments that occur.

Respectfully submitted,

FOR THE PLAINTIFF

"/s/Kenneth M. Chiarello"
Kenneth M. Chiarello
BBO NO: 639274
CLINTON & MUZYKA, P.C.
One Washington Mall
Suite 1400
Boston, MA 02108
(617) 723-9165

FOR THE DEFENDANT

"/s/Timothy Duffy"
Timothy Duffy
BBO NO:
MASON & DUFFY, P.C.
72 Sharp Street
Hingham, MA 02043
(781) 337-0066

Dated: December 10, 2004